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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,792	11/02/2001	David Carroll Challener	RPS920010134US1	6064

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,792

Applicant(s)

CHALLENGER, DAVID CARROLL

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to:
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11022001</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-24 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pezzillo et al (US 6434621), further in view of Glick et al (US 20020051540) and further in view of Schneier (Applied Cryptography).

As per claims 1, 6 and 11, Pezzillo et al discloses encoding a radio broadcast into digital packets of information; transmitting said digital packets of information over the Internet (see column 5 lines 60-67).

Pezzillo et al fails to disclose encrypting the packets to restrict access to a defined distribution area and broadcasting the decryption key to the defined area.

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However, Glick et al teaches encrypting packets to restrict access to a defined distribution area (see paragraphs 119 and 122) and Schneier teaches broadcasting a key (see page 523).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Glick et al's method of restriction access to a specific location using encryption and Schneier's method of broadcasting a key in Pezzillo et al's Internet radio broadcasting system.

Motivation to do so would have been to allow anyone in a defined geographic area to decrypt the information (see paragraph 119) and to share the decryption key with the users (see page 523).

As per claims 2, 7, and 12, the modified Pezzillo et al, Glick et al and Schneier system discloses receiving said decryption key by one or more users of computer systems located approximately within said defined distribution area of said broadcaster (see page 523 as modified by Glick et al).

As per claims 3, 8, and 13, the modified Pezzillo et al, Glick et al and Schneier system discloses decrypting said encrypted digital packets of information using said decryption key (see Glick et al paragraph 119).

As per claims 4, 9, and 14, the modified Pezzillo et al, Glick et al and Schneier system fails to disclose reproducing

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said decrypted digital broadcast by an audio transducer.

However, Official Notice is taken that at the time of the invention it would have been obvious to a person of ordinary skill in the art to use an audio transducer to reproduce the digital broadcast. Motivation to do so would have been to allow the receiver to hear the digital broadcast.

4. Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Pezzillo et al, Glick et al and Schneier system as applied to claims 1, 6, and 11 above, and further in view of Kelly et al (US 20030050015).

As per claims 5, 10, and 15, the modified Pezzillo et al, Glick et al and Schneier system fails to disclose the key is broadcast using electromagnetic waves.

However, Kelly et al teaches the use electromagnetic waves (see paragraph 270).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Kelly et al's electromagnetic waves to broadcast the key of the modified Pezzillo et al, Glick et al and Schneier system.

Motivation to do so would have been to allow the use of RF or IR data communications.

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5. Claims 16, 18-19, 21-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pezzillo et al and further in view of Glick et al.

As per claims 16, 18-19, 21-22 and 24, Pezzillo et al discloses and transmitting a broadcast over the Internet (see column 5 lines 60-67).

Pezzillo et al fails to disclose receiving a request to transmit said broadcast from a requester; determining an approximate physical location of said requester; and transmitting (not transmitting) if said requester is (isn't) physically located approximately within said defined distribution area.

However, Glick et al teaches these limitations (see paragraphs 119 and 121-122).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Glick et al's method of to use Glick et al's method of restriction access to a specific location in Pezzillo et al's Internet radio broadcasting system.

Motivation to do so would have been to allow anyone in a defined geographic area to obtain the information (see paragraph 119).

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6. Claims 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Pezzillo et al and Glick et al system as applied to claims 16, 19 and 22 above, and further in view of Schlossberg et al (US 20020066034).

As per claims 17, 20 and 23, the modified Pezzillo et al and Glick et al system fails to disclose the step of determining said approximate physical location of said requester comprises the steps of: capturing an Internet Protocol of said requester; converting said captured Internet Protocol of said requester into a computer name; and performing a trace of said request.

However, Schlossberg et al teaches these limitations (see paragraph 54).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Schlossberg et al's method of tracing to determine the location in the modified Pezzillo et al and Glick et al system.

Motivation to do so would have been to determine the physical location of a device on the Internet.

7. Claims 1-16, 18-19, 21-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over iCraveTV (CNN story) and further in view of Schneier.

As per claims 1-3, 5-8, 10-13 and 15, iCraveTV discloses a broadcast over the Internet by a broadcaster where the broadcast

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is interpreted by users located approximately within a defined distribution area of the broadcaster, comprising the steps of: encoding a radio broadcast into digital packets of information; transmitting said digital packets of information over the Internet (see pages 1-2 where TV is a radio broadcast which uses electromagnetic waves).

iCraveTV fails to disclose encrypting and decrypting using a broadcasted key.

However, Schneier teaches encrypting and decrypting using a broadcast key (see page 523).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cryptographic methods of Schneier to restrict access to the broadcast of iCraveTV.

Motivation to do so would have been to be able share the decryption key with specific users (see page 523).

As per claims 4, 9, and 14, the modified iCraveTV and Schneier system fails to disclose reproducing said decrypted digital broadcast by an audio transducer. However, Official Notice is taken that at the time of the invention it would have been obvious to a person of ordinary skill in the art to use an audio transducer to reproduce the digital broadcast. Motivation

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to do so would have been to allow the receiver to hear the audio of the digital broadcasted TV.

As per claims 16, 18-19, 21-22 and 24, the modified iCraveTV and Schneier system discloses transmitting a broadcast over the Internet within a defined distribution area, comprising the steps of: receiving a request to transmit said broadcast from a requester; determining an approximate physical location of said requester; and transmitting (not transmitting) said broadcast over the Internet to said requester if said requester is (isn't) physically located approximately within said defined distribution area (see iCraveTV as applied above where it is inherent that the system must determine the physical location of the requestor to restrict the access within an area).

8. Claims 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified iCraveTV and Schneier system as applied to claims 16, 19 and 22 above, and further in view of Schlossberg et al (US 20020066034).

As per claims 17, 20 and 23, the modified iCraveTV and Schneier system fails to disclose the step of determining said approximate physical location of said requester comprises the steps of: capturing an Internet Protocol of said requester; converting said captured Internet Protocol of said requester into a computer name; and performing a trace of said request.

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However, Schlossberg et al teaches these limitations (see paragraph 54).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Schlossberg et al's method of tracing to determine the location in the modified iCraveTV and Schneier system.

Motivation to do so would have been to determine the physical location of a device on the Internet.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al (US 6430292) teaches a radio webcast restricted by time, Leeke et al (US 6587127) teaches an Internet radio blackout, Ansell et al (US 6151631) teaches tracing an IP address, and Ichioka (US 6809747) teaches TV signals can be transmitted as electromagnetic radio broadcasts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER